

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.12, 307A.2, 328.12, and 328.19 and 2016 Iowa Acts, chapter 1131, section 3, the Iowa Department of Transportation, on August 9, 2017, adopted amendments to Chapter 720, “Iowa Airport Registration,” and Chapter 750, “Aircraft Registration,” Iowa Administrative Code.

The amendments to Chapter 720:

- Update a phone number, Web site address and the chapter’s implementation sentence.
- Update references to the Federal Aviation Administration’s circular concerning standards for airport markings.
- Add a new subrule, in compliance with 2016 Iowa Acts, chapter 1131, section 3, which concerns the process used by the Department to review contractual obligations when an airport closes.

The amendments to Chapter 750 update a Web site address and remove reference to issuing a certificate for an aircraft that is not airworthy since the certificate is already addressed in Iowa Code section 328.21.

Notice of Intended Action for these amendments was published in the June 21, 2017, Iowa Administrative Bulletin as **ARC 3128C**. These amendments are identical to those published under Notice of Intended Action.

These rules do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 328.12 and 328.19 and 2016 Iowa Acts, chapter 1131, section 3.

These amendments will become effective October 4, 2017.

The following amendments are adopted.

ITEM 1. Amend subrule 720.4(1) as follows:

720.4(1) Application for site approval. The sponsor shall complete Iowa Department of Transportation Form 300025, “Airport Site Approval and New Registration Application,” and submit it to the office of aviation. This form is available from the Office of Aviation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone ~~(515)239-1691~~ (515)239-1468; or through the Internet department’s Web site at ~~http://www.iawings.com~~ www.iowadot.gov.

~~a. and b. Rescinded IAB 7/4/07, effective 8/8/07.~~

ITEM 2. Amend subparagraph **720.10(2)“b”(1)** as follows:

(1) Paved runways. Paved runways shall be marked in accordance with FAA Circular ~~150/5340-1J~~ 150/5340-1L (Standards for Airport Markings) as amended through ~~April 29, 2005~~ September 27, 2013.

ITEM 3. Amend paragraph **720.10(3)“a”** as follows:

a. Approaches shall be clear of obstructions above a glide path of 20:1 from the ends of each usable runway. If an obstruction exists in an approach zone, the runway threshold on a paved runway shall be displaced in accordance with FAA Advisory Circular ~~150/5340-1J~~ 150/5340-1L (Standards for Airport Markings) as amended through ~~April 29, 2005~~ September 27, 2013. On a nonpaved runway, the runway end markers shall be relocated to provide the prescribed obstruction clearance. The runway length remaining between the displaced threshold and the departure end of the runway is the landing distance available.

ITEM 4. Amend rule 761—720.15(328) as follows:

761—720.15(328) Airport closing.

720.15(1) No change.

720.15(2) Marking. All marking indicating a usable runway shall be obliterated. The sponsor shall place at a central location a yellow X in accordance with FAA Advisory Circular 150/5340-1J 150/5340-1L (Standards for Airport Markings) as amended through ~~April 29, 2005~~ September 27, 2013.

720.15(3) Temporary closing. When conditions require the temporary closing of a runway, it shall be marked on both ends with a yellow X in accordance with FAA Advisory Circular 150/5340-1J 150/5340-1L (Standards for Airport Markings) as amended through ~~April 29, 2005~~ September 27, 2013.

720.15(4) Repayment of financial assistance.

a. Review of closure on or after October 4, 2017. Within 30 days of closing an airport (other than temporary closing), the sponsor shall request from the department a review of contractual obligations that require repayment of financial assistance. The department will provide a determination detailing grant obligations that must be repaid. Any repayment of grants must be made to the department in no more than five equal annual installments, beginning one year from the airport's closure date. If an alternative future use of the airport facility is planned for a project that creates jobs and expands the economy, the sponsor may, within 30 days of the department's determination, request forgiveness of repayment. The request must include a plan detailing the alternative future use of the airport facility, an explanation of how the alternative future use creates jobs and expands the economy, a cost-benefit analysis from the sponsor, a commitment of private investment in the project equal to at least two times the amount of repayment due to the state, and a commitment from the sponsor, or associated political subdivision(s), to complete the alternative use project within five years. The department will review the request for forgiveness of repayment and approve or deny the request within 60 days of receipt.

b. Review of closure after July 1, 2015, and before October 4, 2017. An airport that closed after July 1, 2015 (other than temporary closing), but before October 4, 2017, is eligible to request forgiveness for repayment of financial assistance from the department. By November 3, 2017, the sponsor shall request from the department a review of contractual obligations that require repayment of financial assistance. The department will provide a determination detailing grant obligations that must be repaid. Any repayment of grants must be made to the department in no more than two equal annual installments, beginning one year from October 4, 2017. If an alternative future use of the airport facility is planned for a project that creates jobs and expands the economy, the sponsor may, within 30 days of the department's determination, request forgiveness of repayment. The request must include a plan detailing the alternative future use of the airport facility, an explanation of how the alternative future use creates jobs and expands the economy, a cost-benefit analysis from the sponsor, a commitment of private investment in the project equal to at least two times the amount of repayment due to the state, and a commitment from the sponsor, or associated political subdivision(s), to complete the alternative use project within five years. The department will review the request for forgiveness of repayment and approve or deny the request within 60 days of receipt.

ITEM 5. Amend **761—Chapter 720**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 328.1, 328.12, 328.19 and 328.35 and 2016 Iowa Acts, chapter 1131, section 3.

ITEM 6. Amend rule 761—750.3(17A) as follows:

761—750.3(17A) Information and forms. Information, instructions and forms are available from the office of aviation or on the department's Web site at ~~http://www.iawings.com~~ www.iowadot.gov. Application forms may also be obtained from aircraft dealers. The mailing address for aircraft registration is: Iowa Department of Transportation, Office of Aviation, Aircraft Registration, 800 Lincoln Way, Ames, Iowa 50010.

This rule is intended to implement Iowa Code section 17A.3.

ITEM 7. Amend rule 761—750.15(328) as follows:

761—750.15(328) Aircraft not airworthy. An aircraft that is not airworthy is not subject to registration fees if the owner submits with the registration application a written, signed explanation of the aircraft's condition and an estimate of the date when the aircraft will be airworthy. The department shall ~~issue a~~

~~certificate and shall~~ mark the record of the aircraft until the owner notifies the department that the aircraft is airworthy or until the aircraft is no longer subject to registration in Iowa.

This rule is intended to implement Iowa Code section 328.21.

[Filed 8/9/17, effective 10/4/17]

[Published 8/30/17]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/30/17.